

# EXHIBIT D

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK

3 \_\_\_\_\_  
4 MODESTO RODRIGUEZ,  
5 Plaintiff,  
6 v. Case No:  
7 THE CITY OF NEW YORK, WARDEN STEVEN 21-CV-8565 (CM)  
8 BASTIAN, OFFICER MICHELLE GONZALEZ,  
9 ANTOINETTE DOUGLAS, AND LACHONDA  
10 LUCAS,  
11 Defendants.

12 \_\_\_\_\_  
13 DEPOSITION

14 \_\_\_\_\_  
15  
16 WITNESS: ANTOINETTE DOUGLAS  
17 DATE: Friday, October 20, 2023  
18 START TIME: 12:20 p.m., ET  
19 END TIME: 2:05 p.m., ET  
20 REMOTE LOCATION: Remote Legal platform  
21 REPORTER: Vanessa Van Wagner, CER/CDR-1602  
22 JOB NO.: 20466

23  
24  
25

1 A P P E A R A N C E S

2

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1 sentences?

2 A Yes.

3 Q Okay. And you started at the then Division of  
4 Parole in 1992?

5 A Yes, September of that year.

6 Q Okay. And what was your title when you  
7 started?

8 A Parole officer.

9 Q Okay. How long were you a parole officer?

10 A Up until July 2019.

11 Q And in July of 2019, did your job title  
12 change?

13 A Yes, I became a senior parole officer.

14 Q Okay. And what is the -- what is the  
15 difference in your job responsibilities between being a  
16 parole officer and a senior parole officer?

17 A As a parole officer, you're directly  
18 supervising parolees, and as a parole officer -- a  
19 senior parole officer, you're directly supervising  
20 parole officers.

21 Q And is that still your job title?

22 A No, I retired in October of 2022.

23 Q When you retired, was that your job title?

24 A Senior parole officer, yes.

25 Q Okay. Now let's go back to February of 2020.

1     Were you -- did you have a particular station or  
2     assignment? Meaning where were you physically working?

3           A     I worked out of DDOI, which is at Rikers  
4     Island.

5           Q     Okay. And where in Rikers Island were you  
6     actually working?

7           A     In a judicial center.

8           Q     Okay. And what was your responsibility in the  
9     judicial center?

10          A     Essentially to release parolees --

11          Q     Okay. Now --

12          A     -- to release them from --

13                 (Witness dropped.)

14                   MR. RICKNER: Is that me or -- no, that's  
15     her. Well, we had a good run.

16                   MS. DAINOW: Let me see what's going on.

17                   THE REPORTER: Shall I go off the record  
18     until the witness returns --

19                   MR. RICKNER: Yeah --

20                   THE REPORTER: -- or stay on?

21                   MR. RICKNER: I would appreciate that.  
22     Sure.

23                   THE REPORTER: One moment, please.

24                   (Off the record.)

25                   THE REPORTER: Back on the record at

1 10:31 a.m., Eastern.

2 MR. RICKNER: Excellent. So I'm trying  
3 to remember where we stopped.

4 BY MR. RICKNER:

5 Q Can you describe to me the process by which an  
6 incarcerated parolee is released from Rikers Island when  
7 they're being held there? What are the steps?

8 A Well, there's -- there -- there are more than  
9 one way a parole is released, so depends on the  
10 circumstance. Are we talking a revoke and restore, a --  
11 okay, so a revoke and restore is --

12 Q Because I don't know -- so what are the  
13 different ways that a parolee --

14 A Okay. So --

15 Q -- can be released, and then we'll go through  
16 the process.

17 A -- okay. So let's say it was a revoke and  
18 restore. The parole had a parole hearing, and the ALJ  
19 decided that while he did violate, he can still be  
20 returned back to supervision, okay. So we would get a  
21 copy of his ALJ decision, he would be scheduled for a  
22 release interview, a parole officer would work up his  
23 paperwork, see if there's any conditions that need to be  
24 applied, check out the housing situation, and we would  
25 have -- schedule a release interview, he would give --

1 be giving his reporting instructions, he would sign off  
2 on his documents. We would then lift our warrant with  
3 New York City Department of Corrections, and once they  
4 receive our warrant lift authorization, then they would  
5 begin the process of releasing that incarcerated person.

6 Q Okay. Who is they?

7 A They being the New York City Department of  
8 Corrections.

9 Q Okay. All right, so I just want to sort of  
10 walk through these a little bit.

11 A Okay.

12 Q So somebody goes to an ALJ, that's actually  
13 would be a procedure at the judicial center?

14 A That's correct.

15 Q Okay. And you say you get the decision. How  
16 is the decision transferred to DDOI?

17 A By email.

18 Q Who sends email?

19 A The ALJ sends a decision.

20 Q Oh, the ALJ would actually send the decision  
21 to DDOI directly?

22 A Yes.

23 Q Okay. And then there's an interview, I gather  
24 that's regarding the parole conditions that the person  
25 would face on the outside?



1           A     That's correct.

2           Q     Okay. And then housing, that means you have  
3     to confirm that they have someplace to go?

4           A     That's correct.

5           Q     All right. Now -- and then there's the  
6     lifting of the warrant. What is that process?

7           A     Well, there's a form called the Warrant Lift  
8     Authorization Form. When we see the incarcerated  
9     person, be it they come to us or we go to their  
10    facility, they have what's known as a movement card,  
11    it's an orange movement card. On that movement card,  
12    the actual warrant will be attached to that card, and  
13    there's a space on the card where the date that the  
14    warrant was received by whoever at Corrections actually  
15    received it. The warrant number is noted, the person  
16    signs it, and it's dated the date that it was received.

17                So now that we're lifting the warrant, we  
18    remove our warrant from the card. There's a box on the  
19    orange movement card that says Date Revoked, it would be  
20    that day that we're revoking it. Whoever it is that's  
21    processing it would sign it, remove the warrant card  
22    from the movement card, and then place our Warrant Lift  
23    Authorization on top of the card, and then we would give  
24    that back to New York City Corrections for them to then  
25    do what they do with the Warrant Lift.

1           Q     Okay. So let's say you've gotten the ALJ  
2     decision. It says, in sum and substance, this person  
3     can be returned, who has to sign off on the Warrant Lift  
4     at that point?

5           A     Whoever is actually processing the Warrant  
6     Lift at the time.

7           Q     Okay. Would that be if it was you as an SPO?  
8     That would just be you signing the document?

9           A     Right. But oftentimes it would be a PO that's  
10    signing it, and they would sign their name for SPO  
11    Douglas.

12          Q     Right.

13          A     Right.

14          Q     So I actually, for once, I think I might know  
15    what you're talking about. Hold on for one second, let  
16    me upload this exhibit. One second. It's a one second  
17    process.

18                   MR. RICKNER: I'm just going to share  
19    this, and could the court report please mark it as  
20    Exhibit 12?

21           (Exhibit 12 marked for identification.)

22    BY MR. RICKNER:

23          Q     Can you see what's -- can you see the document  
24    on the screen?

25          A     I can, yes.

1 Q Okay. And what is this document?

2 A It's a Warrant Lift Authorization.

3 Q Okay. And this was signed by PO Bailey; is  
4 that right?

5 A Yes.

6 Q And for you?

7 A Yes.

8 Q Okay. So I just want to go through this. So  
9 before this Warrant Lift Authorization is signed, what  
10 needs to happen? I mean, what other approvals are  
11 there?

12 A Well, the warrant has to be closed within our  
13 -- our Department of Corrections, DOC out New York State  
14 Parole Corrections. The warrant has to be closed, it  
15 has to be vacated.

16 Q Okay.

17 A We cannot -- we cannot lift an active warrant,  
18 it has to be vacated.

19 Q Okay. And so let's say after the ALJ makes  
20 their decision, how is the warrant converted from active  
21 to --

22 A Okay.

23 Q -- vacated?

24 A So when ALJ mails out the decision, it goes to  
25 many people, right? One of the persons that it goes to

1 warrant when the criminal court judge vacates the  
2 warrant?

3 A Well, those are traditionally immediate  
4 warrant lifts.

5 Q Okay. So how does it -- how does it get into  
6 the system as a warrant lift?

7 A Same thing. It comes -- well these warrant --  
8 those will come from the counsel's office and it kind of  
9 goes out to several other people, as I mentioned  
10 earlier, and one of it is Internal Operations, and then  
11 in Internal Operations, they would close out that  
12 warrant, they will put the information in and it would  
13 close the warrant.

14 Q Okay. So the counsel's office sends the  
15 warrant to the office in Albany that you mentioned that  
16 actually enters it into the system?

17 A That is correct.

18 Q And then once that's entered into the system,  
19 you can sign the document, which is the warrant lift?

20 A Correct, yes.

21 Q And then that -- at that point, there's no  
22 other impediments to releasing somebody?

23 A Well, I mean, he still, the incarcerated  
24 person, still needs to be interviewed for release.  
25 Residents still need to be set up. So those things

1 still have to occur.

2 Q How long can you hold somebody waiting for the  
3 interview if there's -- if the warrant has been lifted?

4 A There was -- there was a process set up for  
5 that. We -- if we got -- if we got information on  
6 Monday, by Wednesday, that person was released. You --  
7 you get it, you set the interview up, you see the person  
8 hopefully the next day, and then you would then process  
9 the release.

10 Q Okay. So no matter what, even if somebody has  
11 a writ of habeas corpus, there's going to be a 48-hour  
12 delay, potentially?

13 A Not in all instances, no.

14 Q But there could be?

15 A But there could be, yes.

16 Q Okay. Hold on. One moment -- actually --

17 MR. RICKNER: I'd like to share the next  
18 exhibit and mark it as Exhibit 13.

19 (Exhibit 13 marked for identification.)

20 MR. RICKNER: I'm just going to scroll  
21 down to the bottom one, and can you -- can you see --  
22 I'm going to try to get the whole -- whole thing on the  
23 screen.

24 BY MR. RICKNER:

25 Q Can you see that? I've redirected you to page

1 independently and also zoom in and out independently.

2 THE WITNESS: Okay.

3 THE REPORTER: So if you're on that page,  
4 you should be able to do that.

5 THE WITNESS: Okay.

6 MR. RICKNER: Unless I hit bring to me,  
7 in which case it sort of forces you to look at  
8 something.

9 THE WITNESS: Okay. So no, all the  
10 persons that's on this email are DDOI personnel and  
11 Deputy Chiefs Lucas and Rose Williams who are with PBU.

12 MR. RICKNER: Got you.

13 BY MR. RICKNER:

14 Q I'm scrolling up next to -- there's an email  
15 from Elliot A. McIntosh.

16 A Uh-huh.

17 Q Do you see that? To you?

18 A To me.

19 Q And then you -- and then below that is you to  
20 Elliot McIntosh. Now, first, who is Elliot McIntosh?

21 A He's -- he works in Counsel's office.

22 Q Okay. And is that the people who do the  
23 warrant lift?

24 A No. No, he is like Rose attorney, so he is  
25 who we would get direction from before we would do

1 anything.

2 Q Okay. Got it. So maybe just be clear with  
3 names, so I can maybe have some luck pulling up the  
4 right exhibit. Who specifically would at counsel's  
5 office be handling the warrant lift and sending it to  
6 the person who needs to put it into the system?

7 A Can you repeat the question? I'm sorry.

8 Q So if I'm understanding the process correctly,  
9 somebody at counsel's office needs to talk to the office  
10 in Albany that actually lifts the warrant in the system.  
11 Who is it at counsel's office and which counsel's  
12 office?

13 A So, again, for internal operations. So Elliot  
14 McIntosh or someone of his similar title would forward  
15 those writs, if you will, to -- the person's name is  
16 Tammi Cafariella and she is the head analyst and she is  
17 the one who closes warrants.

18 Q Okay. So this is Tammi Cafariella?

19 A Yes.

20 Q How do you spell that?

21 A C-A-F -- I forget her name. C-A-F-E -- I  
22 don't know. C-A-F-F-E-R-I-L-L-A?

23 Q Okay. Hold on for one second. Okay. So  
24 would it be C-A-F-A-R-I-E-L-L-A?

25 A Yeah, sounds right.

1 closed in the system.

2 Q Right.

3 A Right. That's why I would reach out to Tammi,  
4 because she is the one who closes warrants.

5 Q Right. And I'm just wondering, so we know  
6 from this email, that she got notification about this  
7 warrant on March 23rd, right?

8 A By way of my email, correct.

9 Q Right. Okay. So how would we determine  
10 whether or not she had taken the next step?

11 A By her response to the email.

12 Q Got you. Is there also a -- all right, well,  
13 let's move to the next email then.

14 MR. RICKNER: All right. Can we mark  
15 this? I believe it's Exhibit 15.

16 (Exhibit 15 marked for identification.)

17 BY MR. RICKNER:

18 Q So this is Ms. Cafariella's response; is that  
19 correct? It says --

20 A Yes.

21 Q -- "I did not Writ's go to Counsel's first."

22 A Correct.

23 Q Which counsel's would that be?

24 A Elliot McIntosh's office.

25 Q Okay. But at this point, is you sending it to



1 her enough for her to change it in the system, or would  
2 it have to come from Mr. McIntosh?

3 A It would have to come from Counsel's office.

4 Q Okay.

5 A We could not proceed unless we got something  
6 from Counsel's office.

7 (Pause.)

8 MR. RICKNER: One moment.

9 BY MR. RICKNER:

10 Q So is there a particular database or something  
11 else where you can go to actually check to see if the  
12 writ has been updated correctly through -- in the  
13 system?

14 A No.

15 Q So you would have to get -- in order to find  
16 out that the warrant had been lifted, you'd need to get  
17 an email from somebody like Tammi Cafariella that said  
18 the warrant had been lifted?

19 A No, lifted comes from my office. Ms.  
20 Cafariella's office would close the warrant.

21 Q Okay. I apologize.

22 A Thereby making it -- making it ready to be  
23 lifted.

24 Q Got it. Okay. I see the difference. So is  
25 there a system you can look up to see if the -- if the

1 go.

2 (Exhibit 16 marked for identification.)

3 BY MR. RICKNER:

4 Q It took -- can you see this exhibit?

5 A Yes, I can.

6 Q I can -- I can see your hands. It looks --

7 A I'm sorry, yes.

8 Q -- like you're maybe on an -- are you on an  
9 iPad?

10 A Yes, I am.

11 Q Okay. So you're scrolling through. You've  
12 seen this exhibit?

13 A Yes.

14 Q Okay. So at this point, Tammi Cafariella is  
15 reporting to you and multiple other people that this  
16 warrant has been closed, right?

17 A Right.

18 Q Okay. So now what would the next step be for  
19 releasing Mr. Rodriguez?

20 A Give him a release interview. A release  
21 interview and then process the -- schedule a release  
22 interview.

23 Q Okay. Now, at some point at this time, did  
24 you go out sick?

25 A Yes.

1 Q Okay. When was that? What dates were those?

2 A When I left on March 20 -- I went out on March  
3 23rd, and I didn't come back until April 7th.

4 Q Okay. Now I'm going to close this one for  
5 all. Were you still monitoring your emails?

6 A No, I was not.

7 Q Okay. Let me step back. So who would be  
8 responsible for scheduling the release interview?

9 A Well, his information would have been -- my  
10 office would have been responsible for that. Once we  
11 receive the information, it's given to clerical to put  
12 the incarcerated person's name on an interview list,  
13 then a packet is given to a parole officer to work up  
14 the case.

15 Q Okay. And do you know what day that Mr.  
16 Rodriguez was put on the interview list?

17 A He was scheduled for Tuesday, the --

18 Q That was 24th?

19 A The 24th, yes.

20 Q Do you know if that actually happened?

21 A Well, I now know that it did not happen.

22 Q Okay.

23 A I later found out it didn't happen.

24 Q Okay. Why didn't it happen?

25 A I went out sick, COVID. And once my team

1 learned that I had COVID, everybody quarantined and no  
2 one came in.

3 Q Okay. Was anyone doing release interviews  
4 that week?

5 A I later -- I mean, I've learned since that  
6 later in the week, there was a parole officer, Sheila  
7 Bailey, who had been out previously, and she actually  
8 came back to work and tried to process out individuals.

9 Q Okay. And were you in communication with Ms.  
10 Bailey?

11 A I was not.

12 Q Do you know if anyone was in communication  
13 with Ms. Bailey?

14 A I believe Ms. Lucas was.

15 Q Okay. And was Ms. Lucas sort of dictating to  
16 her which people should be taking priority for release?

17 MS. CHA: Objection. You can answer,  
18 Antoinette.

19 THE WITNESS: Okay. I'm not sure.

20 BY MR. RICKNER:

21 Q Okay. Now, with respect to actually releasing  
22 Mr. Rodriguez, would it be correct to say that all Ms.  
23 Bailey had to do was do the interview and sign this  
24 warrant lift card that we discussed before?

25 A Yes.

1 Q Okay. And with respect to writs of habeas  
2 corpus, are they given any particular priority?

3 A They are.

4 Q Okay. So just to be clear, if somebody has a  
5 writ of habeas corpus they're supposed to -- and there  
6 are no other holds on their file, they're supposed to be  
7 released first, if possible, right?

8 A If possible.

9 Q Okay. And what would prevent them from being  
10 released first?

11 A If there were special conditions to their  
12 release, Mister -- in this particular case, he was  
13 listed as a discretionary sex offender. Say our sex  
14 offenders are mandatory escorts from incarceration to  
15 their residence, as a discretionary, it's up to the  
16 field to determine whether or not they will or will not  
17 provide escort.

18 Q But to be clear, Mr. Rodriguez did not need an  
19 escort; is that right?

20 A Right. They want -- he wind up not needing.  
21 Exactly.

22 Q Okay. And you found that out on the 23rd?

23 A I do not believe I did.

24 Q Or previously? Hold on. Let me just have to  
25 find it. There we go. Okay. This was previously

1 THE WITNESS: No, I do not.

2 BY MR. RICKNER:

3 Q Do you know why he wasn't interviewed on the  
4 27th?

5 MS. CHA: Objection.

6 THE WITNESS: I do not.

7 BY MR. RICKNER:

8 Q Who would have been in a position to determine  
9 whether or not he was interviewed on either the 26th or  
10 27th?

11 MS. CHA: Objection.

12 THE WITNESS: Who -- could you repeat the  
13 question?

14 BY MR. RICKNER:

15 Q Who was in charge? Who would have made the  
16 decision to interview him or not interview him on the  
17 26th or 27th?

18 A I'm not sure who was in charge?

19 Q Typically, who would be the -- what would  
20 at least be the title of the person who was in charge?

21 A A senior parole officer would have been in  
22 charge, but I was out with COVID. There is no other  
23 senior parole officer assigned to DDOI. So it was --  
24 whomever -- who was there? And I do know that PO Bailey  
25 was there.

1           Q     Okay.  So to be correct -- to be clear, you  
2     were the only senior parole officer at that station?

3           A     That's correct.

4           Q     Okay.  So when you go out sick, in any -- or  
5     you're on vacation or anything else, who takes your  
6     place?

7           A     Usually a -- a senior parole -- the most  
8     senior --

9                     MR. RICKNER:  There we go, crap.  Okay,  
10    well.

11                    MS. CHA:  I'm sure she'll be on -- back  
12    on momentarily.

13                    MR. RICKNER:  Oh, yeah.  No, no, it's  
14    fine.  I'm hoping Ms. Gonzalez has --

15                    THE REPORTER:  Can we go off the record?

16                    MR. RICKNER:  Yes, please.

17                    (Off the record.)

18                    THE REPORTER:  We're back on the record,  
19    11:07 a.m.

20                    THE WITNESS:  Okay.

21                    MR. RICKNER:  Okay.  So we didn't get a -  
22    - could I actually just get a readback on the last  
23    question?

24                    (Readback as requested.)

25                    THE WITNESS:  Well, normally when I --

1     when I go, I haven't gone out sick prior to the COVID,  
2     but when I go on vacation, it's usually my bureau chief  
3     who oversees the bureau.

4     BY MR. RICKNER:

5           Q     And who is your bureau chief?

6           A     At the time, it was Edward Delrio.

7           Q     And was Mr. Delrio effectively in charge of  
8     DDOI while you were -- and taking over your duties while  
9     you were out sick?

10          A     Mr. Delrio was actually on vacation.

11          Q     Bad luck on his part. So who did take your  
12     place and take over your duties?

13          A     What I learned, after returning back from  
14     COVID, Ms. Rose -- Deputy Chief Rose Williams was  
15     assigned to cover Rikers Island.

16          Q     Okay. And to your knowledge, what was Sheila  
17     Bailey's -- Sheila Bailey's role?

18          A     Her role would be to interview -- interview  
19     parole -- incarcerated persons and get them for -- ready  
20     for release.

21          Q     Okay. But with respect to deciding who gets  
22     an interview on a specific day, who held -- who had that  
23     position?

24          A     Well, I would imagine that Rose Williams would  
25     assist PO Bailey in getting that done, but there would



1 be -- we would have had --

2 (Off the record.)

3 THE REPORTER: Okay. We are back on the  
4 record at 11:10 a.m.

5 (Readback as requested.)

6 MS. CHA: I'm going to note my objection.  
7 Sorry, I know it's a readback.

8 THE WITNESS: So the question is in  
9 general or during that particular time?

10 BY MR. RICKNER:

11 Q During that particular time.

12 A Well, Deputy Chief Rose Williams --

13 Q Okay.

14 A -- in conjunction with PO Bailey, would have  
15 been the ones who determine who gets released. I mean,  
16 whose -- whose interview gets taken care of based on  
17 probably the work that was already there at DDOI.

18 Q What do you mean the work that was already  
19 there?

20 A So we would already have had folders for  
21 people who were scheduled to be released on the 23rd,  
22 the 24th, the 25th, the 26th, so based on those -- that  
23 work that was probably already there, those folders that  
24 were already ready for those particular days, those  
25 would have got done, and then in addition, I guess, to

1 scheduling anything else that -- that was coming in.

2 Q Okay. One second.

3 MR. RICKNER: Let me close out this  
4 exhibit. Share with all, and you can place -- you can  
5 mark this as the next exhibit, please. Yes, I know  
6 there's a big redacted part, but we're going to just  
7 scroll down.

8 (Exhibit 17 marked for identification.)

9 BY MR. RICKNER:

10 Q So can you see the, I believe we have it  
11 marked as Exhibit 17 on the screen? It's an email from  
12 Dolly S. Vega.

13 A Yes.

14 Q And it says, "Good morning, ARD Officer  
15 (sic)," and it indicates that the release interview and  
16 Warrant Lift were processed the prior day, meaning the  
17 26th; is that right?

18 A I'm sorry, I was reading. I'm sorry, what's  
19 your question?

20 Q Please, read -- read the exhibit. I want you  
21 to be familiar with at least the --

22 A Okay.

23 Q -- the latter emails in the chain.

24 (Pause.)

25 THE WITNESS: Okay. I'm done.